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GENERAL COUNSEL'S OPINION NUMBER 53-10, DATED 19 OCTOBER 1953

There is no objection to a Government employee performing services for compensation for a private employer if the services are in no way connected with the official duties of the employee.

TO COLONEL H. G. S.

1. Colonel S. asked whether he may properly receive a fee or per diem compensation for commenting upon a study now being produced at Georgetown University under a contract with the United States Air Force. It is my understanding that he is at present a member of the United States Army detailed to this Agency. It is my further understanding that the officials of the Army and of the Security Office of this Agency have indicated no objection to his performing this service.

2. The Comptroller General has stated in 16 Comp. Gen. 127:

"Manifestly it is contrary to public policy, if not prohibited by statute, for any Federal, State, or county official to enter into private arrangements with either a private or a public corporation whereby such official is to receive 'extra' payments, not authorized by law, for official services rendered by him either during or outside of regular office hours."

The Comptroller General has also stated in 20 Comp. Gen. 488, 489:

"There is known no law or regulation prohibiting payment of the compensation of a Federal position to the incumbent thereof for a period of authorized annual leave of absence with pay solely because the employee during such period worked for, and received compensation from, a private employer, even though the private employer was engaged on work under a contract with the Government, provided the salary in the private employment does not constitute a contribution toward the Federal salary in contravention of the act of March 3, 1917, 39 Stat. 1106 (5 U.S.C. 66)."

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Page 2 - General Counsel's Opinion No. 53-10

3. The conclusion appears to be that there is no objection to an arrangement between Colonel S. and a private corporation, whereby he will perform and be paid for services in no way connected with his official duties and which he performs outside of Government hours or while on annual leave, so long as such services are not clearly inconsistent with his official duties.

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